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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,114	10/21/2003	John P. Sinisi	4988-102 US	3744

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EXAMINER
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HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/690,114

Applicant(s)

SINISI, JOHN P.

Examiner

Cong-Lac Huynh

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-84 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-52, 55-65, 68-72 and 75-79, 82-84 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 53, 54, 66, 67, 73, 74, 80 and 81 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/7/04, 5/3/04, 9/23/04</u>   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. This action is responsive to communications: the application filed on 10/21/03, and the IDSs filed on 4/7/04, 4/19/04, 4/22/04 and 5/3/04, priority 10/21/02.
2. Claims 1-84 are pending in the case. Claims 1, 24, 50, 64, 71, 78 are independent claims.

### ***Drawings***

3. Figure 6 is objected to because it is not consistent with the specification (page 10, lines 18-22) since it seems that the item shown in figure 6 is the data collection template 33, not the integration module 34.
4. Figure 7 is objected to since it is not clear what "UL" means.
5. Figure 8 is objected to since it is not consistent with the specification (page 12, lines 22-25).
6. Figures 12 and 13 are objected to since the Report 17 is not shown as disclosed in the specification (pages 14-15).

### ***Specification***

7. The specification is objected to since it either does not match the figures or it discloses incorrect data. For example, on page 11, line 3, the "data collection template 35" is not correct; it should be "data collection template 33." Or on page 12, lines 22-25, the next record 1562 and the change client building entry 1533 do not match figure 8O.

It is suggested that Applicants check the whole specification for consistency with the drawings.

***Information Disclosure Statement***

8. The IDSs filed 4/19/04 and 4/22/04 were not considered. These IDSs were filed by mistake since the Applicant's name is not the inventor of this case.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-51, 55-65, 68-72, 75-79, 82-84 are rejected under 35 U.S.C. 102(a) as being anticipated by Hood et al. (US Pat App Pub No. 2003/0036684, 3/20/03, filed 8/15/01).

Regarding independent claim 1, Hood discloses:

- inputting one or more form of data into one or more handheld devices ([0012], [0070], claim 35)
- organizing said inputted data into a record ([0012]: the data is organized as “aching” or “squeezing” in the list)

- synchronizing data from said record for manipulating said data into one or more classification to form synchronized data ([0070], claim 36)

Regarding claim 2, which is dependent on claim 1, Hood discloses that said one or more forms of data are selected from the group consisting text, digital photographs, digital video, barcodes, digital sketches, digital signatures, audio, GPS, GIS, document scan, print scan, CAD/CAM scan, and interactive data retrieval from another system ([0012]: typing manually shows that data is text; [0013]: data gathered from a call shows that data is audio).

Regarding claim 3, which is dependent on claim 1, Hood discloses that said data is inputted into said handheld device using a data collection template ([0016]-[0017]).

Regarding claim 6, which is dependent on claim 3, Hood discloses:

- optimizing said synchronized data based on a predetermined criteria ([0017], [0040]: the predetermined "single select" or "multiple select" is used for optimizing synchronized data)
- generating an optimized data collection template ([0017]
- repeating the inputting, organizing, and synchronizing steps wherein said data is inputted into said handheld device in step inputting using said optimized data collection template ([0017], [0063])

Regarding claim 7, which is dependent on claim 6, Hood discloses that said predetermined criteria is a frequency of use of data inputted into said handheld device ([0040]: “single select” and “multiple select” shows the frequency of data inputted into said handheld device).

Regarding claim 8, which is dependent on claim 6, Hood discloses that said predetermined criteria is a desired information request ([0035]: gathering only information needed for proper diagnosis and treatment as guided in the program shows a criteria, which is a desired information request when gathering data).

Regarding claim 9, which is dependent on claim 6, Hood discloses that said predetermined criteria is a statistical program ([0048]).

Regarding claim 10, which is dependent on claim 6, Hood discloses that optimizing said synchronized data comprises adding answers inputted in said data collection template to said optimized data collection template ([0055], [0063], [0066]).

Regarding claims 11 and 12, which are dependent on claims 3 and 6 respectively, Hood discloses a user interface comprising one or more prompts for gathering said data using said handheld device, said prompts being visual, sound, code, or vibration ([0009], [0042]: the prompt is visual).

Regarding claims 13 and 14, which are dependent on claims 3 and 13 respectively, Hood discloses that the data collection template is an electronic form comprising one or more menus or submenus, and the optimized data collection template comprises one or more submenus which are a re-order of entries of said one or more menus or submenus of said data collection template ([0011], [0017], [0047]).

Regarding claim 15, which is dependent on claim 1, Hood discloses forwarding said record to a central processing system and said synchronizing data is performed at said central processing system ([0014]-[0015]: data gathered from a handheld device is transmitted to a central hospital for processing).

Regarding claim 16, which is dependent on claim 1, Hood discloses storing said synchronized data ([0014], [0049], [0054]).

Regarding claim 17, which is dependent on claim 1, Hood discloses generating a report from said synchronized data ([0014]).

Regarding claims 18 and 19, which are dependent on claim 17, Hood discloses printing said report wherein said report is a standard or custom report ([0014]).

Regarding claim 20, which is dependent on claim 1, Hood discloses forwarding a previously generated record to said handheld device ([0038]).

Regarding claim 21, which is dependent on claim 1, Hood discloses:

- manipulating said data in said record into a synchronization table [0054]: storing patient information into a database for data mining inherently shows that said data is moved to the synchronized tables of the database)
- filtering said data in said synchronization table to one or more relationship tables ([0054])

Regarding claim 22, which is dependent on claim 21, Hood discloses combining said one or more relationship tables based on a predetermined criteria for generating an optimized data collection template and repeating step inputting through step synchronizing wherein subsequent data is inputted into said handheld device using said optimized data collection template ([0017, [0062], [0063]).

Regarding claim 23, which is dependent on claim 1, Hood discloses that a plurality of handheld devices are used for inputting said data ([0057]).

Claims 24-49 are for a system of method claims 1-3, 6-23, and are rejected under the same rationale.

Claims 50-51, 55-60, 62-63 recite the same data collection process as disclosed in claims 1-23 but is applied on a fire barrier data instead of a general data. The process in claims 50-51, 55-60, 62-63, thus, are rejected under the same rationale.



Claims 64-65, 68-70 recite the same data collection process as disclosed in claims 1-23 but is applied on a quality assurance data instead of a general data. The process in claims 64-65, 68-70, thus, are rejected under the same rationale.

Claims 71-72, 75-77 recite the same data collection process as disclosed in claims 1-23 but is applied on a boat survey data instead of a general data. The process in claims 71-72, 75-77, thus, are rejected under the same rationale.

Claims 78-79, 82-84 recite the same data collection process as disclosed in claims 1-23 but is applied on a police department data instead of a general data. The process in claims 78-79, 82-84, thus, are rejected under the same rationale.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hood as applied in claim 50, and further in view of Mault et al. (US Pat App Pub No 2002/0027164, 3/7/02, priority 9/7/00).

Regarding claim 52, Hood does not disclose that said data is in the form of a barcode attached to said fire barrier.

Mault discloses a handheld device including a barcode reader for inputting information ([0040]) where the actual data is entered with its barcode.

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Mault to include inputting the fire barrier data with barcode for easily identifying which fire barrier used and combined into Hood for providing a proper judgment to a customer.

13. Claims 59 and 61 are rejected under 35 U.S.C. 102(a) as being anticipated by Hood et al. (US Pat App Pub No. 2003/0036684, 3/20/03, filed 8/15/01).

Regarding claim 59 and 61, Hood does not disclose that a repair order is generated from the synchronized data, and re-inspecting said fire barrier after a repair of said fire barrier is performed from said repair order.

However, Hood does teach using the inputted data to generate a document for a particular purpose related to the inputted data ([0015]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have applied Hood for generating a repair order related to the specific fire barrier data where collecting the fire barrier is analogous to the data collecting process as in Hood. Further, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have included to Hood the re-inspecting step since it is understandable that checking needs to be performed after repairing something to make sure it works.

***Allowable Subject Matter***

14. Claims 4-5, 53-54, 66-67, 73-74, 80-81 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee (US Pat App Pub No 2003/0178485, 9/25/03, filed 8/14/01).

Kim (US Pat App Pub No 2003/0064685, 4/3/03, priority 6/26/01).

Stein et al. (US Pat App Pub No 2002/0116254, 8/22/02, filed 2/16/01).

Brown (US Pat App Pub No 2004/0117209, 6/17/04, priority 1/26/99).

Wise et al. (US Pat App Pub No 2004/0098269, 5/20/04, filed 2/5/02).

Paulsen et al. (US Pat App Pub No 2005/0164783, 7/28/05, priority 9/4/01).

Martinez (US Pat App Pub No 2003/0069716, 4/10/03, filed 10/9/01).

Stiegemeier et al. (US Pat No 6,192,381, 2/20/01, priority 10/6/97).

Birkner et al. (US Pat App Pub No 2002/0198755, 12/26/02, filed 6/22/01).

Czachoski et al. (US Pat No 5,774,449, 6/30/98, filed 3/31/95).

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-4125. The examiner can normally be reached on Mon-Fri (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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1/6/06